



UNITED STATES PATENT AND TRADEMARK OFFICE

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DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE  
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Paper No. 9

In re Application of :  
Guy A. Cosmo : DECISION ON PETITION  
Application No. 09/460,836 :  
Filed: December 14, 1999 :  
Attorney Docket No. 395-6 :

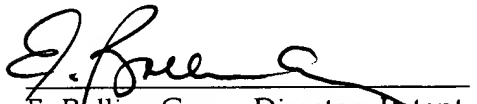
This is a decision on the petition filed on September 6, 2001 by which petitioner requests withdrawal of the holding that this application stands abandoned for failure to file a reply to the Office letter dated February 22, 2001.

The petition is granted.

Petitioner alleges that a reply to the Office letter in question was in fact filed, and that the reply was timely filed by reason of a concurrently filed request for a three month extension of time together with the fee for the extension. In support of this allegation, petitioner has included with the petition a copy of the request for extension and the reply, and a copy of the check for the extension fee. These papers include a certificate of mailing under 37 CFR 1.8(a) that is dated August 21, 2001, and these papers would therefore be considered to have been timely filed. Petitioner has also included a copy of a receipt for the filing of these papers showing that they were in fact received on August 23, 2001. And Office financial records show that the extension of time fee has in fact been received and applied. It is clear, therefore, that this application was not in fact abandoned.

Accordingly, the Notice of Abandonment is hereby vacated, the holding of abandonment is withdrawn, and the application is restored to pending status. The application is being forwarded to the examiner for action on the reply filed on August 23, 2001, certificate of mailing date August 21, 2001.

PETITION GRANTED.

  
E. Rollins-Cross, Director, Patent  
Examining Groups 3710 and 3720

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